IS AN AUTOMOBILE A "CARRIAGE?"—The Circuit Court of Appeals for the Eighth Circuit, in the recent case of *Patten* v. *Sturgeon,* 214 Fed. 65, held that a bankrupt's automobile was exempt under the Oklahoma statute exempting to every family "one carriage or buggy." This accords with the previous decision of the Court of Civil Appeals of Texas in *Parker* v. *Sweet,* 127 S. W. 881, holding an automobile exempt under a statute exempting from "attachment or execution and every other species of forced sale for the payment of debts * * * One carriage or buggy." In this case the court said: "An automobile is essentially a carriage, used identically for the same purposes as the horse-drawn carriages of our fathers' days, the principal difference between the two being the motive power employed. From the standpoint of utility no distinction can be made between the two. * * * Exemption statutes are to be liberally construed. * * * Applying this rule, the Supreme Court in *Allison* v. *Brookshire.* 38 Tex. 199, held that a mule was a horse within the meaning of our exemption statute. If a mule is a horse, undoubtedly an automobile is a carriage."

An automobile is a "carriage" within the meaning of a statute empowering a municipality to impose a license fee upon "every description of carriages"—*Commonwealth* v. *Hawkins,* 14 Pa. Dist. Rep. 492. In like manner an automobile is a "carriage" within the scope of a covenant in a deed, reserving a strip "for a carriage-way forever," even though the contractual liability antedates the existence of automobiles as a class of vehicles. *Diocese of Trenton* v. *Toman,* 74 N. J. Eq. 702, 70 Atl. 606. *Vide* also 7 MICH. L. REV. 73. A bequest of a testator's carriages constitutes a valid disposition also of his motor-car, according to a recent English decision, *In Re Denis,* 24 Times L. Rep. 499. The same is no less true although the testator at the time his will was executed possessed only horses and carriages, which he subsequently sold and replaced with automobiles. *Denholm's Trustees.* 1908 Scotch Sessions Cases 43.

But an automobile is not a "carriage" within the meaning of a statute providing that highways shall be kept "so that they may be reasonably safe and convenient for travellers with their horses, teams and carriages," *Doherty* v. *Town of Ayer,* 197 Mass. 241, 83 N. E. 677; 6 MICH. L. REV. 568.

In general it may be said that whether an automobile falls under the classification of "carriages" depends upon the nature of the statute. The rule requiring strict construction of penal statutes doubtless accounts for the decision in *Commonwealth* v. *Goldman,* 205 Mass. 400, 91 N. E. 392, where an automobile was held not to be included within such classification, as used in a statute defining it as a penal offense for any person "with intent to cheat or defraud" to refuse payment for the hire of a "carriage."

But in prosecutions quasi-criminal in their nature, where the intent element is either conclusively presumed from the doing of the act charged, or need not be shown as a distinctive factor to secure conviction, the opposite rule of liberal construction seems in vogue. Hence an automobile used for hire is classed as a "vehicle" within the tenor of an ordinance providing that "vehicles for hire, seeking employment, shall not stop or loiter upon any street," *Gassenheimer* v. *District of Columbia,* 26 App. Cas. (D. C.) 557;

State v. *Dunklee,* 76 N. H. 439. The liberal rule applied to exemption cases is shown in the principal case and in *Parker* v. *Sweet,* supra.

The courts of course have no hesitancy in classifying an automobile as a "vehicle," especially with reference to the "law of the road." *Hennessey* v. *Taylor,* 189 Mass. 583, 76 N. E. 224; *Foster* v. *Curtis,* 213 Mass. 79; *Thies* v. *Thomas,* 76 N. Y. Supp. 276; *Emerson Troy Granite Co.* v. *Pearson,* 74 N. H. 22, 64 Atl. 582; *Harder* v. *City of Chicago,* 85 N. E. 255. But see: *Washington Electric Co.* v. *District of Columbia,* 19 App. Cas. 462.

An automobile is a "wagon" within the purport of an ordinance prohibiting the presence of "advertising trucks, vans, and wagons," upon certain streets. *Fifth Ave. Coach Co.* v. *City of New York,* 194 N. Y. 19, 86 N. E. 824, and under a statute requiring the licensing of automobile operators, a traction engine is an automobile. *Emerson Troy Granite Co.* v. *Pearson,* 74 N. H. 22, 64 Atl. 582.

But an automobile is not an inherently dangerous machine to be classed in the same category as locomotives, gunpowder, dynamite, "bad-dogs, vicious bulls, evil-disposed mules," and similarly dangerous machines or agencies, to which the *Rylands* v. *Fletcher* doctrine (L. R. 3 H. L. 330) applies in any of its derived forms. *Stephen* v. *McNaughton,* 142 Wis. 49; *Jones* v. *Hoge,* 47 Wash. 663; *Cunningham* v. *Castle,* 127 App. Div. 580; *Lewis* v. *Amorous,* 3 Ga. App. 50; *Slater* v. *Advance Thresher Co.,* 97 Minn. 305; *Contra*: *Weil* v. *Kreutzer,* 134 Ky. 563; *Ingraham* v. *Stockmore,* 118 N. Y. Supp. 399.

But on the other hand, an automobile while in operation *is* a dangerous mechanism. *In re Berry,* 147 Cal. 523; *Lewis* v. *Amorous,* 3 Ga. App. 50; *Hall* v. *Compton.* 130 Mo. App. 675, 10 S. W. 1122; *Dudley* v. *Northampton Street Ry. Co.,* 202 Mass. 443, 89 N. E. 25.

INHERITANCE FROM ADOPTED CHILD.—When an adopted child dies intestate after having inherited property from one of its adopted parents, does such property descend to the child's blood relatives in exclusion of the other adopted parent? The Supreme Court of Mississippi has just answered this question in the affirmative (in the face of a vigorous dissent by MILLER, J.) in the case of *Fisher* v. *Browning,* (Miss. 1914) 66 So. 132.

The facts were as follows: Lula Browning, an infant three years old, was adopted by Charles Rule and his wife. Rule died intestate, leaving surviving him his widow and the adopted daughter. Lula died, unmarried and without issue, before her adoptive mother. Mrs. Rule married plaintiff, who claimed that upon Lula's death, the property that had been inherited by her from her adopted father, descended to his wife, the adoptive mother. Defendant's brothers and sisters by blood of Lula, claim that this property descended to them. The court held that the adoptive parent does not inherit from the adoptive child to the exclusion of its blood relatives, but that the property of an adopted child, even if it be inherited from an adoptive parent, descends according to the law of descent of the state, to its blood relatives.

The two opposing opinions well illustrate the two different views taken by the courts on this question, on which the contrariety of opinion has been so